

The Honorable Judge Brian D Lynch  
Chapter: 7  
Hearing Date: December 2, 2014  
Hearing Time: 9:00 a.m.  
Location: 500 West 12th Street, 2nd Floor  
Vancouver, WA 98660  
Response Date: November 25, 2014

Lisa McMahon-Myhran, WSB #27559  
Robinson Tait, P.S.  
710 Second Avenue, Suite 710  
Seattle, WA 98104  
Phone: 206-676-9640  
Fax: 206-676-9659

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

In Re:

BANKRUPTCY NO. 14-45542-BDL

PAMELA SUE JOHNSON OWEN  
aka Pamela Sue Owen  
aka Pamela Sue O’Kane  
aka Pamela Sue Johnson,  
  
Debtor.

CHAPTER NO. 7

BANK OF AMERICA, N.A.’S MOTION FOR  
RELIEF FROM STAY

TO: CLERK OF THE U.S. BANKRUPTCY COURT  
Pamela Sue Johnson Owen aka Pamela Sue Owen aka Pamela Sue O’Kane aka Pamela  
Sue Johnson  
Debtor, Pro Se  
Don Thacker, Trustee  
US TRUSTEE

BANK OF AMERICA, N.A. (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. §  
362, for relief from the automatic stay with respect to certain real property of the Debtor(s) having  
an address of 3912 NE 57TH AVENUE, VANCOUVER, WA 98661 (the “Property”) for all  
purposes allowed by the Note (defined below), the Deed of Trust (defined below), and applicable

1 law, including but not limited to the right to foreclose. In further support of this Motion, Movant  
2 respectfully states:

3  
4 1. A petition under Chapter 7 of the United States Bankruptcy Code was filed with  
5 respect to the Debtor(s) on October 15, 2014.

6  
7 2. The Debtor(s) has executed and delivered or is otherwise obligated with respect to  
8 that certain promissory note in the original principal amount of \$208,250.00 (the "Note"). A copy  
9 of the Note is attached hereto as Exhibit 1. Movant is an entity entitled to enforce the Note.  
10

11 3. As evidenced by the assignments, endorsements, and/or allonges attached to the  
12 Note, the Note has been endorsed in blank. Movant is an entity entitled to enforce the Note  
13 because Movant is in possession, either directly or through the use of an authorized agent and/or  
14 document custodian, of the Note endorsed in blank.  
15

16  
17 4. Pursuant to that certain Deed of Trust (the "Deed of Trust"), all obligations  
18 (collectively, the "Obligations") of the Debtor(s) under and with respect to the Note and the Deed  
19 of Trust are secured by the property. A copy of the Deed of Trust is attached hereto as Exhibit 2.  
20

21 5. As of October 21, 2014, the outstanding amount of the Obligations less any partial  
22 payments or suspense balance is \$289,515.32.  
23

24 6. In addition to the other amounts due to Movant reflected in this Motion, as of the  
25 date hereof, in connection with seeking the relief requested in this Motion, Movant has also  
26 incurred legal fees and costs. Movant reserves all rights to seek an award or allowance of such  
27  
28

fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

7. The following chart sets forth the number and amount of payments due pursuant to the terms of the Note that have been missed by the Debtor(s) as of October 21, 2014:

Number of Missed Payments	From	To	Monthly Payment Amount	Total Amounts Delinquent
35	9/01/2009	7/01/2012	\$1,668.21	\$58,387.35
12	8/01/2012	7/01/2013	\$1,747.87	\$20,974.44
12	8/01/2013	7/01/2014	\$1,740.78	\$20,889.36
3	8/01/2014	10/01/2014	\$1,751.10	\$5,253.30
Less partial payments: (\$0.00)				

Total: \$105,504.45

8. The estimated market value of the Property is \$231,569.00. The basis for such valuation is Clark County Tax Assessor.

9. Upon information and belief, the aggregate amount of encumbrances on the Property listed in the Schedules or otherwise known, including but not limited to the encumbrances granted to Movant, is \$289,515.32.

10. A foreclosure proceeding with respect to the Property is pending and the original sale date was October 17, 2014.

11. Cause exists for relief from the automatic stay for the following reasons:

(a) Movant's interest in the Property is not adequately protected. Movant's interest in the collateral is not protected by an adequate equity cushion. The fair market value of the Property is declining and payments are not being made to Movant sufficient to protect

1 Movant's interest against that decline. Payments have not been made as required by an Adequate  
2 Protection Order previously granted in this case.  
3

4 (b) Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor(s) has no equity in the  
5 Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective  
6 reorganization.  
7

8  
9 WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the  
10 stay and granting the following:

11 1. Relief from the stay for all purposes allowed by the Note, the Deed of Trust, and  
12 applicable law, including but not limited allowing Movant (and any successors or assigns) to  
13 proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and  
14 obtain possession of the Property.  
15

16 2. That the Order be binding and effective despite any conversion of this bankruptcy  
17 case to a case under any other chapter of Title 11 of the United States Code.  
18

19 3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.  
20

21 4. For such other relief as the Court deems proper.  
22

23 In the alternative, Movant requests that this Court enter an order providing Movant with  
24 adequate protection of its interests in the Property.

25 DATED October 29, 2014  
26

27 /s/Lisa McMahon-Myhran  
28 Lisa McMahon-Myhran, WSB #27559  
ROBINSON TAIT, P.S.  
Attorneys for BANK OF AMERICA, N.A.